IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital the 18th day of October , 2002

Criminal Misc. Bail Application Number 1018 of 2002

Order on the Bail Application

CRIMINAL SIDE

(1) Shiv Kumar alias Shibbu S/o Shambhu, r/o Kumrada, P.S.Manglore, Tehsil Roorkee, district Haridwar and (2) Palla alias Jaipal alias Gandhi son of Parmal, resident of Asaf Nagar, P.S. Manglore, District Haridwar.

……...Applicant(s)

Versus

State of Uttaranchal. ……..Opposite party

Arising out of- Case crime no. 226 of 2001,
Under Section 457/380/411 IPC
P.S. Gangnahar Roorkee,
district - Haridwar.

By the Court

Hon'ble Irshad Hussain J.

Heard learned counsel for the applicant and learned A.G.A.

Perused the memo of the recovery and also the F.I.R. dated 27.10.2001 filed by Rao Abdul Munnaf in regard to the theft committed in his house. Nothing had been recovered from the possession of the applicant-accused Shiv Kumar alias Shibbu and considering this aspect, he is entitled to bail in this case.

So far as the applicant-accused Palla alias Jaipal alias Gandhi is concerned, a licensed gun bearing no DBBL 397-92 was recovered from him and it was stolen from the house of the above complainant, details of which was given in the F.I.R. Considering this recovery, the applicant Pala alias Jaipal alias Gandhi is not entitled to bail.

Bail application so far it relates to accused Shiv Kumar alias Shibbu, is allowed and he is released on bail in case crime no.226 of 2001, under Sections 457/380/411 IPC, P.S.Gangnahar Roorkee, district Haridwar on his filing a personal bond and adequate sureties to the satisfaction of C.J.M., Hardwar.

Bail application in respect of applicant-accused Palla alias Jai alias Gandhi stands rejected.

(Irshad Hussain J.)

18.10.02./B.